~~Keeler~~ MP
~~B. Gray~~
~~Harrold~~
~~Library~~

FOREST SERVICE U.S. DEPARTMENT OF AGRICULTURE

THE FOREST SERVICE

# History Line

TO: *History Coordinators*
*Forest Service Personnel*

*1680*

FALL 1980

FALL 1980
Issued by the History Section, Administrative Management Staff, Washington, D.C.
Room. 4214, South Agriculture Building Phone: 202-447-2418

*Chief R. Max Peterson and the three preceding Chiefs of the Forest Service. All were interviewed on television tape, which was shown at the 75th anniversary party of the Washington Office employees and retirees in June, and at gatherings of field personnel all over the country. Left to right are Peterson, John R. McGuire (1972-79), Edward P. Cliff (1962-72), and Richard E. McArdle (1952-62). They also appeared in person as host and guests, respectively, at the Washington party. A special anniversary ceremony was held in July at the Gifford Pinchot mansion in Milford, Pa., where Vice-President Walter Mondale and Secretary of Agriculture Robert Bergland were honored guests.*

LIBRARY COPY
ROCKY MTN. FOREST & RANGE
EXPERIMENT STATION

# Public Lands, States' Rights, and the National Forests

By Dennis M. Roth

*The Forest Service and the management of the forest and range lands in the West which it administers could be drastically affected by any considerable transfer of such lands to States and private owners--should such transfer result from the current so-called "Sagebrush Rebellion." The following article provides a historical framework for the present landownership confliot. It is excerpted from a background paper prepared for the Forest Service. Sections on public land policies during the first 75 years of the 19th century were deleted from this version. The Forest Service asked the History Section to draw upon examples from Utah and Oregon. Readers will note several references to these States in the article.*

The public domain (public lands) of the United States began when seven former colonies ceded to the new Federal Government their often conflicting claims to lands lying between the Appalachian Mountains and the Mississippi River. Virginia, North and South Carolina, Georgia, Massachusetts, Connecticut, and New York all gave up their claims, both to placate the six mostly smaller States without western land claims and to avoid endless litigation among themselves over their conflicting claims. Virginia and Georgia had by far the largest claims. The six States without claims (Pennsylvania, Maryland, New Jersey, Delaware, New Hampshire, and Rhode Island) were afraid of being dominated by their larger neighbors, which would become even larger and more powerful when their western extensions became populated.

In 1803 purchase of Louisiana Territory from France extended the frontier to the Rockies and doubled the area of public lands. By mid-century the war with Mexico, and treaties with Mexico, Spain, and Great Britain had brought the entire West into the Union. In 1867 the enormous Territory of Alaska was purchased from Russia. The grand total of all these acquisitions including the cessions by the seven original States, was nearly 3 million square miles (sections) of land. Nearly two thirds of this total has been sold or given away during the past 200 years, to reward war veterans, encourage homesteaders and the construction of wagon roads, railroads and canals, and to the States for public education.

Three documents written soon after the American Revolution laid the foundations of public land policy of the United States: (1) The Ordinance of 1785, (2) the Northwest Ordinance of 1787, and (3) the Constitution.

The Ordinance of 1785 fixed the first minimum price of public land. More importantly, it established a system of rectangular survey and provided that each new State would receive a grant of one of every 36 square-mile sections in each township (section 16) for the support of public education.

The Northwest Ordinance required each of the new States joining the Union to respect the right of the Federal Government to dispose of the public lands within their boundaries. The original 13 States, plus New Hampshire, Kentucky, and Tennessee, had disposed of all land, including public land, within their boundaries, without restriction. The newer States did not like this restriction, and petitioned Congress often to cede the public lands to the States.

The Constitution, in Article IV, Section 3, gave Congress the power to regulate and dispose of public lands. The Supreme Court has repeatedly ruled that States and individuals cannot interfere with the Federal management of public lands, without special authorization by Congress.

## Federal Control Vital to Union

The Federal Government's success in controlling the disposal of the public domain in the face of considerable western and southern opposition was of immense importance in fostering a feeling of national unity. Had it been unable to do so, the Union may have split up into loosely aligned regions or even separate

# Public Lands, States' Rights, and the National Forests

nations. Nevertheless, the public land States were able to win their own victories by extracting progressively larger grants from the Federal Government. In the 20th Century this process has continued in a different form. The States have received a greater proportion of resources derived from the public lands rather than receiving the lands themselves.

By the end of the Civil War, the public domain was disappearing in the older public land States by means mentioned earlier. Settlement was pushing past the 100th meridian into the western Great Plains, a region with low rainfall, uncertain crop yields, a predominance of grazing, and a great diversity of land forms. Rectangular land survey and 160-acre homesteads were well adapted to the relatively uniform, rolling, humid agricultural lands of the Midwest, but imposing such small units on the arid West where water is more important than land was a mistake. Most of this land was suitable only for grazing and lumbering, and much did not receive enough rainfall even for that.

## Laws Invite Timber Fraud

The Timber and Stone Act of 1878 recognized the existence of timberland as a separate category in the West, but by limiting purchases to 160 acres when lumbering had already become a largescale undertaking, it invited wholesale fraud on the public domain. (Nearly a third of the privately owned timberland in the Pacific Northwest originated in purchases under this act.)

The western territories and States needed (1) a systematic classification of their land into its various types; (2) provisions allowing their citizens to purchase or homestead viable acreages; and (3) measures to protect land vital for watershed (erosion) control and timber supplies. The failure of Congress to alter land policies before the 1890's was largely responsible for range warfare between homesteaders and ranchers, depletion of forage resources, and rapid exploitation of western forests.

From colonial times to 1900, at least 150 million acres of America's prime forest land were cleared for agriculture, much of it by burning. Many millions more had been damaged in wasteful logging operations and the destructive fires that invariably followed in their wake.

By the 1870's Americans, including many westerners, were beginning to realize that their natural resources could be exhausted and that something would have to be done to protect them. Several Secretaries of the Interior and their General Land Office Commissioners tried, with little success, to prosecute stealing of timber on public lands. They proposed year after year to reserve forest land from settlement.

In 1862 Yosemite Valley was given to the State of California, and later became a national park. In 1872 Yellowstone National Park was created in Wyoming. In 1886 Oregonians succeeded in getting land around Crater Lake withdrawn for a future national park. In 1889 the Oregon legislature considered asking the Federal Government to reserve the Cascade Range forests, only to have the proposal temporarily blocked by grazing interests.

## First Forest Reserves Created

On March 3, 1891, 15 years of pressure for Federal forest reserves was rewarded when an amendment was attached to the General Land Law Revision Act allowing the President to create such reserves from the unreserved public domain. Between the spring of 1891 and the fall of 1893, Presidents Benjamin Harrison and Grover Cleveland proclaimed 19 forest reserves, 17 of them at the direct insistence of urban westerners who wanted to protect their cities' water supplies. In Oregon even ranchers supported the reserves, as a means of excluding droves of out-of-State sheep.

After 1895 the forest conservation movement found another important ally in the National Irrigation Congress. In 1891 and 1893 this group had called for the cession of public lands to the States so that they could be used to finance irrigation projects. In 1894 the Carey Act was passed, which granted up to one million acres to States willing to irrigate them. It soon became apparent, however, that the States were not in a position to fund irrigation. The

*Continued on page 8*

# 75th Anniversary Celebrations

The 75th anniversary of the Forest Service was celebrated this year in many ways. Each major headquarters had its own gathering, often with retirees as guests. Many of these took place in February, the month in 1905 when the Forest Service was born.

The plant-a-birthday-tree theme received wide publicity through numerous radio and television public service messages narrated by prominent personalities such as Eddie Albert. The theme was very successful as a way for people everywhere to take a personal part in conservation, and to realize the major role of trees as an esthetic and renewable natural resource.

*PINCHOT INSTITUTE*

The birthday-tree theme was central to the major public activity marking the anniversary, the special ceremonies held July 11 at the Gifford Pinchot mansion, Grey Towers, a National Historic Landmark maintained by the Forest Service in Milford, Pa., headquarters of the agency's Pinchot Institute for Conservation Studies. The Society of American Foresters, founded by Pinchot in 1900, and the American Forestry Association, founded 25 years earlier, both assisted in sponsoring the occasion.

Vice President Walter Mondale presented the major address and unveiled a plaque rededicating the Institute to serve conservation needs of the future. Bob Bergland, Secretary of Agriculture, introduced Mondale, and noted the sharpened relevance today of Pinchot's policy of "wise use" of resources.

The Vice President was assisted by 4-year old Gifford Pinchot IV in planting an eastern hemlock, Pennsylvania's State tree (see photo). It was one of 76 planted that day in a grove in commemoration of the anniversary and as an inspiration to the future, with the participation of 32 forestry and conservation organizations and their leaders.

Creation of a Natural Resources Trail of Fame to honor past national leaders was also announced, by Hester Turner, AFA president, and Bergland nominated Pinchot to be the first so honored. Stephen Spurr, SAF president, spoke on Pinchot's contributions to America's forests, and Thomas Ripley, AFA vice-president, on the Forest Service's role. An oil painting of an early forester on his rounds in the West, by Barry Nehr, Southern Region, was presented to the Institute.

A message from President Jimmy Carter read at the ceremony called for a national program to make the nation's public and private forests more productive so that "we can become a net exporter of timber in time for the Forest Service's 100th anniversary."

Among the numerous guests were R. Max Peterson, Chief of the Forest Service, and former Chiefs Ed Cliff and John McGuire; M. Rupert Cutler, Assistant Secretary of Agriculture; R. J. Bourchier, head, Canadian Forestry Service; Matthew Brennan, first director of the Pinchot Institute; officials of various Federal and State agencies; Gifford Pinchot III, and other members of the Pinchot family. Television coverage was provided by Philadelphia, New York, and other stations.

# 75th Anniversary Celebrations

An overflow crowd of retirees and employees attended the 75th anniversary party of the Washington Office June 17 in Jefferson Auditorium. The present Chief, Max Peterson, and three former Chiefs and their wives were guests, and the Chiefs appeared in television tape interviews shown to the audience. James H. Williams, Deputy Secretary of Agriculture, greeted the group for the Secretary, and said the Forest Service "is the best managed agency, public or private, that I have ever seen." He has served in both government and private industry. Robert Leterer, executive director, American Nurserymen' Association, which is cooperating with the Forest Service's "Plant a Birthday Tree" campaign, was also a guest speaker.

The former Chiefs, Richard McArdle, Ed Cliff, and John McGuire, recalled how they got into forestry, what their major problems and accomplishments were, the big changes that took place in their terms, their outstanding experiences, their general philosophy, and suggestions for the future. All praised the dedication and high morale of Forest Service employees.

They agreed that the Forest Service has always had an excellent reputation for integrity and efficiency in public service through conservative management and use of natural resources, but that it always has been difficult, nevertheless, to obtain adequate funding to do all the jobs that needed to be done, and to provide a balanced program. All remarked on the tremendous increase in public demands, often conflicting, on the agency which has responded by adding many more experts in specialized scientific fields and employed new sophisticated technology to meet these demands, especially in improving and coordinating long-range planning and management at all levels.

McGuire and Cliff both felt the full force of the nationwide wave of severe criticism over timber cutting practices, some justified and some not, and the environmental movement, of the 1960's and 1970's. They noted their success in meeting legitimate objections by inviting public participation in resource planning and by modifying harvesting practices. The public outcry had culminated in the Monongahela court decision and congressional hearings, all of which led to the Forest and Rangelands Resource Planning Act (RPA) and the National Forest Management Act. Both these acts and the earlier Environmental Policy Act have intensified the need for more specialists and new technology, they explained.

McGuire said that today the Forest Service has become highly competent and productive in using this new technology to prepare much-improved long-range plans for all the nation's forest and range resources, under the authority of the Resources Planning Act. He explained that it was also able to retain its professional discretion in managing the National Forests, but no longer insists that the professional is always right, and is "more willing than ever before to listen to other points of view."

Cliff and McArdle mentioned the Multiple Use-Sustained Yield Act of 1960 and the other programs of the era, for the National Forests, for research, and for recreation, as forerunners of the new planning and management acts. McArdle pointed out his efforts as Chief to raise all standards of performance and to raise the professional rankings of field personnel. Cliff noted that although the Forest Service pioneered in establishing wilderness areas and thus set the stage for the Wilderness Act of 1964, it did not always receive credit for this. The Multiple Use Act had also sanctioned a long-standing Forest Service practice.

All three ex-Chiefs expressed regret that they could not get adequate funding for Federal assistance programs for State and private forestry, but Cliff pointed out that new legislation has given increased support to this vital area which holds such great promise for providing for the nation's needs. He said he was confident that the Forest Service would continue to be a leader in the natural resource and public administration fields, through firm, sound scientific management of a balanced program meeting both spiritual and material needs.

*Continued on page 12*

# History News Around the Forest Service

*WASHINGTON OFFICE*

History in the Making

Dr. Jean M. Pablo has joined the History Section. She received her PhD in American History from Georgetown University (Washington, D.C.) in 1974. Jean's interests and activities have been in historic preservation and the history of American education, as well as teaching. She is now adding forest and conservation history to that list. Jean is the first woman to be employed as a historian in the Forest Service.

The History Section recently let a contract for a comprehensive history of Forest Service timber management to Historical, Cultural, and Environmental Consulting. Anyone who would like to contribute information may contact the firm's project manager, David Clary, Box 1571, Bloomington, Ind. 47402. Gary C. Gray, the principal investigator, has chosen a unique, and what, we believe, will be a productive way to pursue his research. He and his wife, Marilyn, will be travelling about the country in a truck and trailer during the next 18 months and will visit many Forest Service field offices and Federal Records Centers. Gary will also interview people who had significant roles in or have important information to impart about Forest Service timber management. If you think you are one of these people (or know someone who is) and want to be interviewed, please contact Gray.

Another new History Section contract is for a thorough transcribed interview with Edward P. Cliff, Chief of the Forest Service, 1962-72, who worked for the agency nearly 42 years, and has performed numerous foreign assignments since retirement.

Revisions of the histories of wildfire by Dr. Stephen J. Pyne, and of telecommunications electronics by Gary C. Gray, following technical review, are virtually complete. The wildfire manuscript is to be published, somewhat condensed, by Princeton University Press in April 1982, and Gray's history by the Government Printing Office, (GPO), in 1981. The draft of the southern Appalachia project is being expanded.

A history of early National Forest recreation site improvements by Dr. William C. Tweed, formerly of the History Section, and a personal account of the white pine blister rust control program by its former director, Warren Benedict, are both in galley proof form and will be published shortly by GPO.

A "History of Young Adult Conservation Corps: Bringing Human and Natural Resources Together," was compiled by Jack W. McElroy under contract with Human Resources Programs Staff. (Washington, GPO, August 1980, 54 pp.) He is the retired director of YACC, which was begun in late 1977 and is operated by the Departments of Agriculture, Interior, and Labor. The report is a chronological summary of Federal actions, especially Forest Service, to initiate the program and administrative procedures to implement it. It was modeled on the previously created Youth Conservation Corps. A history of the development of YCC is also now being written under contract for the Forest Service by Prof. David E. Nye, Director of the American Studies Program, Union College, Schenectady, N.Y. 12308.

"International Forestry in the U.S. Department of Agriculture," by Dr. Robert K. Winters, retired Director of International Forestry Division, Forest Service, is a 60-page historical monograph prepared in cooperation with the International Forestry Staff, the History Section, and the USDA History Branch, and issued in January by the National Economics Division of the USDA Economics, Statistics, and Cooperatives Service. The author describes early struggles to get work started, and types of activities pursued, and evaluates accomplishments from 1940 to recent years. Most success was achieved, he reports, in development of native foresty schools and research. The success of our technical experts sent abroad and foreign students trained here was mixed, he states. The report includes summaries of the work of 15 U.S. foresters and a list of 322 U.S. men who worked here and abroad in forestry and related fields.

# History News Around the Forest Service

Northern Region

A history of the Nine-Mile Remount Depot on the Lolo National Forest was published this summer by the Region. See recent History Lines for details. A horsemanship and packing safety school was held in June at the Station for Region employees.

Arlo DeWinter, a former firefighter on the old Cabinet National Forest who now lives in Mendon, N.Y., is completing a novel on early rangers on the Clark Fork and Cabinet Mountains.

The Clearwater National Forest is displaying, as part of a fire detection history exhibit including old lookout photos, a scale model of an early Forest Service lookout tower, built by Ed Butler, a civil engineer of its staff, from a set of old plans, on a scale of 1 inch to 1 foot. Model includes firefinder, stove, bed, bookshelves, pots, pans, etc.

Dick Guth and Jud Moore of the R-1 information office have sent in copies of several historical items: (1) "A Guide to Silvicultural Practice, District One, Protection, Forest Pathology," by Dr. James R. Weir, District pathologist. It is dated 1913 and has 60 typed pages with 13 photo prints. It comes from the files of Dr. Peter A. Laird, R-1 timber management specialist. (2) A letter from Delbert Cox, Orofino, Ida., explaining the development of the Decker saddle, including its modification by Oliver P. Robinett. (3) An article in the Coeur d'Alene Press, August 21, 1979, "1910 Wallace blaze left its mark on memories." (4) An 8x10 photo of Jerry Johnson, for whom the hot springs on the Clearwater NF is named, taken in 1895 (from the historical collection, Montana Historical Society). (5) Two booklets in verse by C. R. "Mick" Clumpner, now a western novelist of Sebastopol, Calif., written when a young lookout and smokechaser on the Honeysuckle RD, Coeur d'Alene NF: "Lookout's Life" (Bumble Bee Lookout, 1932) and "The Smokechaser's Summer" (1933). Both catch the hectic pace of these lonely jobs.

Rocky Mountain Region

Brief illustrated chronologies of 13 major Forest Service ski areas on and adjacent to the White River National Forest, Colo., prepared by Paul I. Hauk, staff officer for the Forest, 1955-77, have been issued by Thomas C. Evans, supervisor. The areas are Arapahoe Basin, Aspen Highlands, Aspen Mountain, Beaver Creek, Breckenridge, Buttermilk, Cooper Mountain, Hayden Peak, Keystone, Montezuma Basin, Snowmass, Sunlight, and Vail. Most began in the late 1950's and 1960's, except Aspen Mountain and Arapahoe Basin, which date from the 1940's.

Southwestern Region

A copy of "Magnificent Land: A History of the Prescott National Forest" (Arizona), by Virginia M. Brown, has been received from Donald Bolander, Supervisor. It covers the establishment of the Forest and a detailed history of the Walnut Creek Ranger District; it was prepared under the supervision of Ranger Jerry Elson. (51 typed pages plus 42 pages of appendices.). . . A copy of a news report of a "goodwill" talk given by Gifford Pinchot as Chief of the Forest Service to a joint session of the New Mexican Territorial Legislature, on FS policies, has been received from the Regional Office. It is from the March 15, 1909, issue of the Santa Fe New Mexican. Also, copies of this paper's reports of January 4 and 6, 1912, on the statehood proclamation by President Howard Taft. These reports had been requested by Arthur Ringland, first Regional Forester, who was a member of the statehood delegation to Washington. He was 98 in September.

"Some Common Artifacts Found at Historical Sites," compiled by David Gillio, Frances Levine and Douglas Scott, was issued in February as the Region's Cultural Resources Report No. 31. It includes sketches, descriptions and classifications of nails, tin cans, glass bottles, buttons, and firearms. 40 pp.

Intermountain Region

Transcription began this year on some 45,000 feet of oral history tapes dating back 15 years. Two of the first are recollections of livestock men--David Hagenbarth of Dillon, Mont., and Kilgore, Idaho, and James F. Mickelson of Big Piney, Wyo. Both were interviewed by James Jacobs of the

*Continued on page 11*

# Public Lands, States' Rights, and the National Forests

Continued from page 3

Irrigation Congress then turned to the Federal Government to aid irrigation and protect forest watersheds. Its slogan, "Save the Forests, Store the Floods, Make Homes on the Land," shows the extent to which irrigationists linked forest and water policies. Irrigationist support for public forests was especially strong in Utah where the Mormon church and most of the State's important politicians backed the creation of Utah's forest reserves.

From 1891 to 1897 the forest reserves existed under the General Land Office of the Department of the Interior, without any authorities to manage them, or use the timber. In order to force a reluctant coalition of varied interests in Congress to act on such legislation, President Cleveland proclaimed 13 new reserves covering more than 21 million acres in 7 States just one week before he was to leave office. Several months of angry public and congressional debate resulted, during which the existence of all the reserves was placed in jeopardy.

## 1897 Act Opens Reserves to Use

The crisis was averted by an amendment to the Appropriations Bill that opened all of them to public use under rules to be established by the Department of the Interior. This amendment, in a rare reversal of the usual voting patterns on conservation legislation, was supported by a majority of western representatives and opposed by many preservation-minded easterners. It became the "Organic Act" for the reserves until the passage of the National Forest Management Act in 1976. The 1897 Act established the basic purposes of the reserves, stating that "no public forest reservation shall be established except to improve and protect the forest within the reservation for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States." Because it explicitly excluded only agriculture and mining as purposes, Norman Wengert, professor of political science at Colorado State University, has argued that it implicitly mandated all of the other uses that the Forest Service eventually included in its definition of multiple-use management.

Despite the furor over Cleveland's new reserves, westerners continued to press for the establishment of more forest reserves after 1897. However, a lieu-land clause in the 1897 Act had provided an illicit economic motive for their creation in addition to the usual conservationist reasons. Under that clause, individuals or companies could exchange land of low value they owned inside the boundaries of the reserves for land of equal area and much greater value on the public domain. Under the guise of conservation, railroads and land speculators lobbied for reserves in areas where they owned land so that they could reap the windfall profits guaranteed them by the lieu clause. This caused revulsion and opposition to new reserves by much of the public. The Oregon State government, among others, was tainted by these scandals. Between 1898 and 1905 much State-owned timberland was sold within the boundaries of forest reserves that speculators used to claim lieu selections. The majority of Oregonians have never been enthusiastic about proposals to cede public land to the States, perhaps for this reason. The lieu clause was abrogated by Congress in 1905.

## Reserves Moved to Forest Service

On February 1, 1905 the management of the reserves was transferred by Congress to the Department of Agriculture, and the Forest Service was created by the Secretary of Agriculture, James Wilson, to receive them. The existing Bureau of Forestry, headed by Gifford Pinchot, who had worked long and hard for the transfer, was changed in name to Forest Service in the Appropriations Act of March 3, 1905, which also authorized its officers to enforce Federal and State laws for stock and timber trespass, fire, right of way, fish and game, etc.

For many years grazing, rather than lumbering, was the dominant industry of the forest reserves as a whole. Under the 1897 Act, the General Land Office required permits for grazing, but at first banned sheep grazing except in the Northwest, then liberalized this rule under pressure and as practice showed it could be allowed,

without permanent harm to the range, elsewhere. Little restriction was placed upon cattle grazing by GLO, although provision was made in the regulations issued in 1900 and 1902 for reductions in numbers where the condition of the grazing grounds warranted it.

## Grazing Fee Started Long Fight

The 1900 grazing manual mentioned the possibility of the charge of a fee for grazing on the reserves, but this was omitted in the 1902 manual. However, within a few months of assuming control of the forest reserves, Gifford Pinchot, Chief of the new Forest Service, boldly decided to institute a system of modest grazing fees, a step he knew would draw fire, after making sure that he was on firm legal ground.

Pinchot had brought into his agency several years earlier a prominent grazing leader of the Southwest, Albert F. Potter, in order to make grazing controls palatable to cattle men and sheepmen. Potter was very effective in this role, but it was inevitable that some stockmen would refuse to pay fees and bring legal action against the authority of the Federal Government not only to assess such fees, but to impose any controls on grazing. This did occur in a number of localities, and the litigation dragged on for 5 years. The issues of grazing fees, acreage allotments, and permits for owners of herds had become the Forest Service's number one problem and was to be the source of almost all of the major attacks against it during the next 50 years.

## Congress Limited New Reserves in 1907

In 1907 western congressmen, who were galvanized into action by the grazing fee issue and the rapid expansion of the forest reserves by President Theodore Roosevelt, managed to attach to the Agriculture Appropriations Act of March 4 (which also changed forest reserves to National Forests) a ban on the creation of any new National Forests in Washington, Oregon, Idaho, Montana, Wyoming, and Colorado without the consent of Congress. (Congress added California, Arizona, and New Mexico to this list in 1912.) But a few days before the 1907 Act took effect, President Roosevelt added 16 million acres in these States to the National Forests, by establishing 11 new Forests and adding land to many others.

Stung by this swift action, which nullified much of what they had intended to accomplish with their bill, western congressmen and newspapers excoriated the President and Pinchot in much the same way they had Cleveland 10 years earlier. Because of strong local opposition, Roosevelt had to delete 20,000 acres of Forest lands that Chief Forester Pinchot had recommended to be added to the Mount Baker National Forest in Washington, before issuing his proclamations. However, Forest Service investigators in Oregon found that the majority of the people directly affected by the reservation of 4 million more acres there supported the President's proclamations. The Forest Service found many years later that the lands deleted in Washington, ostensibly for homesteading, had all soon been sold to timber companies.

In 1911 the U.S. Supreme Court vindicated the Forest Service's decision to charge grazing fees, but by that year this right had become widely accepted anyway, and western anxiety had shifted to a matter of even greater importance to the region's future development.

From 1907 to 1910 Presidents Theodore Roosevelt and Willaim Taft had reserved large deposits of non-metallic minerals and numerous potential water power sites on the public domain. Like the forest reserves between 1891 and 1897, they were "locked up," since there were no laws regulating their use or allocation.

The western legislatures responded to industry pressures by passing resolutions in 1913, 1914, and 1919 calling on the Federal Government to cede all remaining public lands to the States. There appear to have been no serious proposals during this period regarding the National Forests, although in 1913 the Governor of Oregon appointed a commission to study whether the States should manage those within its boundaries. The Commission vigorously rejected any change in their administration.

## States Won Mineral, Power Fees

In 1920 the conflict over the public domain was given a brief respite when the West won two important legislative victories. Passage of the Mineral Leasing Act and the Water Power Act opened these

*Continued on page 10*

# Public Lands, States' Rights, and the National Forests

*Continued from page 9*

resources to exploitation and gave the western States 90 percent of the revenues from mineral leasing and 87.5 percent from the licensing of power sites.

An attempt by the Forest Service to increase the very low grazing fees in the mid-1920's, after careful studies, provoked attacks by stockmen and led to a series of congressional hearings in the West chaired by a prominent rancher, Senator R. M. Stanfield or Oregon, who had lost his own permit because of misrepresentation. A compromise on fees was reached in 1927, but fees remained a perennial issue and remain so today.

Until the grazing fee controversy of the 1920's erupted, the majority of western stockmen favored turning to the Forest Service for administration of the grazing lands of the public domain, which, in the absence of any regulation, were undergoing rapid deterioration. The renewed struggle over grazing fees soured many graziers on that idea and they directed their attention, instead, to the idea of management by the States. Their proposals found a sympathetic ear in President Herbert Hoover, who in August 1929 gave a speech in Salt Lake City proposing that the remaining public lands, minus their minerals, be ceded to the States.

States Refused Public Lands in 1930's

President Hoover appointed a commission to study this plan, but it soon became apparent that this decision to exclude minerals from his proposal made it completely unacceptable to all but a small number of stockmen. One of the members of the commission, William B. Greeley, former Chief of the Forest Service, refused to sign the commission's final report because it suggested that, at some future date and under unspecified conditions, the National Forests might be turned over to the States. Utah's Governor George Dern summed up the general western reaction to the proposal when he asked sarcastically, "Why should they (the States) want more of this precious heritage of desert?" A bill to cede to the States the unreserved and unappropriated public domain, without the minerals, was introduced in Congress, but it was so unpopular with all sections of the country that it received only cursory consideration.

In 1934 the deadlock affecting the West's unreserved public grazing lands was broken with passage of the Taylor Grazing Act, which placed these lands under the jurisdiction of the newly created Grazing Service in the Department of the Interior. In 1940 Senator Patrick McCarran of Nevada, a powerful committee chairman and himself a large rancher, began leading a 6-year, very successful campaign to hamstring the Grazing Service and prevent it from raising fees. All this time the Service was being attacked by House appropriation committees for failing to raise fees. Caught in this congressional pincer, the Grazing Service was virtually emasculated for the rest of the decade and limped along on a skeleton staff and miniscule funds, and was unable to do much to improve the public ranges. It was combined with the General Land Office to form the present Bureau of Land Management in July 1946.

Cession Drive Failed in 1940's

Early in 1946 Senator Edward Robertson of Wyoming introduced a bill to cede to the States (1) the unappropriated and unreserved lands within them, (2) lands withdrawn from private entry because they were believed to contain non-metallic minerals, and (3) all lands within the grazing districts administered by the Grazing Service. He also proposed that all lands in the grazing districts and in the National Forests that were not designated for multiple-use management should be sold at a reasonable price, on long terms, and low interest. Other proposals advanced by stockmen included giving legal status to the Forest Service's advisory boards, making permits irreducible, and transferring the Forest Service's grazing lands to the Department of the Interior and then selling them.

The earlier attacks on the Grazing Service had escaped the notice of the environmentalists of that era, but they were now impelled into action by what they saw as a blatant "land-grab" attempt by grazing interests. Men such as the historian, Bernard DeVoto, and the future Oregon Senator, Richard Neuberger, wrote

*Continued from page 7*

Regional staff, in 1968. A third is an interview with Sidney Tremewan, first supervisor of the Humboldt National Forest in Nevada, conducted in 1966 by Victor Godwin and George Gruell of the Forest.

Pacific Southwest Region

A number of recent writings concern fire, to which this region has been highly vulnerable, especially in the south. Fire towers in California are described in the article, "The Vanishing Lookout Tower," by Pat D. Kines in Landscape magazine (Vol. 23, No. 1, 1979). . . FS retiree Everett Jensen described the "seen area" mapping concept in his article, "The Region 5 Lookout Study of 1935," in the May 1979 issue of the quarterly newsletter of the FSX Club of California. This issue carries an item by the late Andy Brenneis on his recent taped interview of the Los Padres NF history. He recalls the battles and

---

articles in the old "muckraker" tradition that brought the issue to national attention. Wildlife and other conservation groups also gave their support.

The glare of adverse publicity forced the grazing interests to back off from their major proposals, but they were incensed by what they believed had been the Forest Service's part in encouraging the environmentalists. One result was merger of the Grazing Service and General Land Office already mentioned. Another was a series of public meetings held in 1947 in the western States by a House subcommittee on public lands led by Representative Frank A. Barrett of Wyoming, organized partly in an attempt to punish the Forest Service. In Wyoming and Colorado, selected stockmen spoke out loudly against the Forest Service, but when the committee went to Utah it heard a different story. Citizens of Utah, who had recently experienced severe flooding and landslides brought on by prolonged overgrazing in the mountains, stood up for the Forest Service and its policies.

Attacks on the Forest Service by some stockmen continued with diminished intensity until the early 1950's. Thus ended the last major western assult on Federal land policies before the current "Sagebrush Rebellion."

the development of common criteria for fire closure in 1946-47 for the four southern California forests; also the troubles over mineral rights and mining practices on acquired lands in the East. . . A Region 5 Fire Control Handbook for 1940 has been received by the History Section. It was written by S. B. Show, Howard Hopkins, Robert L. Deering, G. M. Gowen, and C. A. Gustafson. . . . "Cleveland National Forest: San Diego's Watershed" by Michael Sakarias, appeared in the Journal of San Diego History, Fall 1975. . . William Dasmann, retiree, recently sold a story of his early adventures as a cowboy to the magazine of the National Cowboy Hall of Fame in Oklahoma.

Pacific Northwest Region

"The South Cascades: the Gifford Pinchot National Forest" by E. M. Sterling has been published by the Mountaineers, Seattle, 96 pp. . . "Yacolt! The Forest That Would Not Die," by Margaret E. Felt, tells of the protection and rehabilitation following the 1902 fire and repeated burns of the area near Vancouver, Wash., and the Gifford Pinchot NF. It is a 48-page booklet of the State Department of Natural Resources, Tacoma.

Gerald Tucker, a retiree, recently completed "Historical Sketches of the Wallowa-Whitman National Forest." The Forest has made some copies of the 300-page typescript available.

"Cultural Change, Resource Use, and the Forest Landscape: The Case of the Willamette National Forest," is a recent doctoral thesis by Robert Burns, University of Oregon.

First Historian Hired in Field

Pamela Conners was recently hired as a historian for the Stanislaus National Forest in California, working in the Recreation Division under the Forest archeologist, Wally Wolfenden, to assist in field site evaluations. She formerly was on the personnel staff, Shasta-Trinity National Forest. A history graduate of the State University at Sacramento, she is the first person hired as a historian on a permanent basis in the entire field organization of the Forest Service. She has done graduate work in history and archeology. . . There are two historians in the Washington Office. A few other historians may be hired in the Regions during the next year.

## Other Anniversary Events

On September 30, just before recessing for the election campaign, both houses of Congress passed a concurrent resolution recognizing the 75th anniversary of the Forest Service, Chief Max Peterson announced at a Family Meeting of Washington Office employees on October 9.

On October 7, the Society of American Foresters held a recognition ceremony honoring the Forest Service's 75th anniversary, at its annual meeting in Spokane, Wash. The Journal of Forestry devoted two pages to the anniversary in its June issue and three pages to the July 11 celebration at the Pinchot mansion, Grey Towers, Milford, Pa., with illustrations.

American Forests magazine devoted several pages of its October issue to the 75th anniversary of the transfer of forest reserves and the birth of the Forest Service, and to the Grey Towers celebration, both with color illustrations.

The Pacific Northwest Region held a 75th anniversary commemoration September 26 at the Western Forestry Center, Portland, with the Chief and many former Forest Service leaders and Washington and Oregon officials as guests. A Douglas-fir was planted and a time capsule, to be opened after 75 years, was buried.

On October 28, the Forest Service presented the first American Bonsai tree for the National Arboretum's new collection, in Washington, D.C.

On December 19, the Forest Service Employees Association and the Foresters' Wives Club co-sponsored a day-long Open House in the Patio of the USDA Administration Building in Washington, D.C.

USDA, the Department's employee newsletter, devoted its July 30 issue entirely to a special anecdotal historic feature article on the Forest Service.

The Living Wilderness, organ of The Wilderness Society, featured in its June issue a 6-page lead article by Samuel P. Hays, "Gifford Pinchot and the Conservation Movement." which showed the interactions of his leadership of the Forest Service and use-oriented philosophy with the greater esthetic emphasis of other contemporary leaders of the conservation movement at the turn of the century. Hays authored Conservation and the Gospel of Efficiency, a history of that movement (Harvard University Press, 1959), and is writing a book on environmental politics since 1960

*Continued from page 5*

Chief Peterson took part in the program and was also shown on television tape planting a tree in the back yard of his home. He paid tribute to past and present employees for their high morale and devotion to duty.

## Forest Service Wives' Stories

"Sampler of the Early Years, by Forest Service Wives" is a compilation by the Foresters' Wives Club of writings and reminiscences. Copies are available by mail for $7 (payable to Mrs. Charles Newlon), from Mrs. Thomas B. Glazebrook, 13630 N.E. Hancock St., Portland, Oregon 97230

FOREST SERVICE
P.O. Box 2417
Washington, D.C. 20013

OFFICIAL BUSINESS
Penalty for Private Use: $300